

**13A.300 Request by promulgating administrative body to defer consideration of administrative regulation -- Consideration of deferred administrative regulation -- Limitation on number of deferrals -- Failure of representative of administrative body to appear before legislative committee.**

- (1) The administrative body that promulgated an administrative regulation may request that consideration of the administrative regulation be deferred by a legislative committee.
- (2) The deferral of an administrative regulation scheduled for review by the Administrative Regulation Review Subcommittee shall be governed by KRS 13A.020(4) and the following:
  - (a) A request for deferral of an ordinary administrative regulation filed with the Commission shall be automatically granted if:
    1. The administrative body submits a written letter to the regulations compiler; and
    2. The letter is received prior to the subcommittee meeting;
  - (b) A request for deferral of an effective administrative regulation or an emergency administrative regulation may be granted if:
    1. The administrative body submits a written letter to the regulations compiler;
    2. The letter is received prior to the subcommittee meeting; and
    3. Approved by the co-chairs of the Administrative Regulation Review Subcommittee;
  - (c) A request for deferral may be granted at the discretion of the subcommittee if the request is made by the administrative body orally at a meeting of the subcommittee;
  - (d) The subcommittee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation;
  - (e) Except as provided in paragraph (f) of this subsection, an administrative regulation that has been deferred shall be placed on the agenda of the next scheduled meeting of the subcommittee. If it is an administrative regulation filed with the Commission, the subcommittee shall consider the administrative regulation as if it had met all other requirements of filing. Repromulgation shall not be required in those cases; and
  - (f) An administrative regulation shall not be deferred under this subsection more than twelve (12) times.
- (3)
  - (a) The deferral of a filed ordinary administrative regulation referred to a second legislative committee or committees pursuant to KRS 13A.290(6) and (7) shall be governed by this subsection and the voting requirements of KRS 13A.290(9).
  - (b)
    1. A request for deferral shall be automatically granted if:
      - a. The administrative body submits a written letter to the regulations compiler; and

- b. The letter is received prior to the legislative committee meeting;
  - 2. A request for deferral may be granted at the discretion of the second legislative committee if the request is made by the administrative body orally at a meeting of the legislative committee; and
  - 3. The legislative committee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation.
- (c)
  - 1. An administrative regulation that is deferred may be placed on a subsequent agenda of the legislative committee or committees within the review period.
  - 2. If a filed ordinary administrative regulation that has been deferred is not placed on a subsequent agenda within the review period, the administrative regulation shall take effect at the expiration of the review period.
- (4)
  - (a) The deferral of an effective administrative regulation or an emergency administrative regulation under review by a legislative committee shall be governed by this subsection and the voting requirements of KRS 13A.290(9).
  - (b) A request for deferral may be granted if:
    - 1. The administrative body submits a written letter to the regulations compiler;
    - 2. The letter is received prior to the legislative committee meeting; and
    - 3. Approved by the presiding chair or chairs.
  - (c) A request for deferral may be granted at the discretion of the legislative committee if the request is made by the administrative body orally at a meeting of the legislative committee.
  - (d) The legislative committee may request that consideration of an administrative regulation be deferred by the administrative body. Upon receipt of the request, the administrative body may agree to defer consideration of the administrative regulation.
  - (e) An administrative regulation that is deferred may be placed on a subsequent agenda of the legislative committee.
- (5) Except as provided by KRS 13A.290(4), if a representative of an administrative body whose administrative regulation is scheduled for review fails to appear before a legislative committee, the legislative committee in conformance with KRS 13A.290(9) may:
  - (a) Defer the administrative regulation to the next regularly scheduled meeting of the legislative committee; or
  - (b) Make a determination pursuant to KRS 13A.030(2) or 13A.190(3).

**Effective:** February 2, 2021

**History:** Amended 2021 Ky. Acts ch. 7, sec. 12, effective February 2, 2021. -- Amended 2019 Ky. Acts ch. 192, sec. 8, effective June 27, 2019. -- Amended

2016 Ky. Acts ch. 82, sec. 27, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 138, sec. 13, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 18, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 89, sec. 16, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 406, sec. 17, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 180, sec. 14, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 22, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 28, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 3, effective March 16, 1988; and ch. 425, sec. 13, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 30, effective April 13, 1984.

**Legislative Research Commission Note (2/2/2021).** In codification, a correction has been made to subsection (5)(b) of this statute. 2021 Senate Bill 2, Section 12, which amended this statute, contained a reference in subsection (5)(b) to "Section 4(2) of this Act," which would have been codified as "KRS 13A.190(2)." However, it is clear from the context and from consultation with the drafter that the reference was intended to read "Section 4(3) of this Act," which would be codified as "KRS 13A.190(3)." Under the authority of KRS 7.136, the Reviser of Statutes has corrected this reference.

**Legislative Research Commission Note (6/27/2019).** Under the authority of KRS 7.136(1), the Reviser of Statutes has modified the internal numbering of this statute from the way it appeared in 2019 Ky. Acts ch. 192, sec. 8.

**Legislative Research Commission Note (7/15/2016).** During codification of 2016 Ky. Acts ch. 82, sec. 27, the Reviser of Statutes corrected a manifest clerical or typographical error in references in subsection (3)(c) and (d) of this statute to "subsection (6)(b)1." and "subsection (6)(b)2.", respectively, of Section 26 of that Act, which was KRS 13A.290. The correct references should have been to "subsection (6)(a)1." and "subsection (6)(a)2.", respectively, of KRS 13A.290 and are reflected that way in this statute.